

P20-29F. Conditional zoning of a property currently zoned as Agricultural-Residential (AR) to Single-Family 10/Conditional Zoning (SF-10/CZ), located off Dundle Road, (Tax Map # 9495-34-6633) totaling 25.20 acres ± and being the property of Cliffdale Corner, LLC, represented by Scott Brown of 4D Site Solutions, Inc.
(Jennifer Baptiste)

ZONING COMMISSION STAFF REPORT

TO: Zoning Commission Members

THRU: Taurus Freeman – Planning & Zoning Manager

FROM: Jennifer C Baptiste, CFM – Senior Planner

DATE: September 8, 2020

RE:

P20-29F. Conditional zoning of a property currently zoned as Agricultural-Residential (AR) to Single-Family 10/Conditional Zoning (SF-10/CZ), located off Dundle Road, (Tax Map # 9495-34-6633) totaling 25.20 acres ± and being the property of Cliffdale Corner, LLC, represented by Scott Brown of 4D Site Solutions, Inc.

COUNCIL DISTRICT(S):

6 – Christopher Davis

Relationship to Strategic Plan 2030:

- Goal III: Objective A – Manage the City future growth and support strategic land use policy by supporting quality development.
- Goal IV: Objective B – Provide for a clean and beautiful community with increased green spaces.

Executive Summary:

The applicant, Scott Brown on behalf of Cliffdale Corner, LLC, has submitted a request to conditionally rezone the property from Agricultural (AR) to Single-Family Residential 10/Conditional Zoning.

Background:

This property is located east of Dundle Road just north of the City of Fayetteville City Limit. The subject property is 25.2 acres ± and is part of the proposed Autry Lakes at Gates Four Subdivision. The site is proposed to be divided into three development phases.

Applicant: Scott Brown, 4D Site Solutions, Inc.

Owner: The Sharlene R. Williams Revocable Trust

Requested Action: Agricultural-Residential (AR) to SF-10/CZ

Property Addresses: off Dundle Road

Council District: 6

Status of Property: Undeveloped

Size: 25.20 acres +/-

Adjoining Land Use & Zoning:

- North: SF – 10 – Gates Four Subdivision
- South: R 7.5 Residential District (County) – Turnberry of Gates Four Subdivision
- West: SF – 10 – Surrey Meadow Subdivision
- East: R 7.5 Residential District (County) – Gates Four Subdivision

Letters Mailed: 133

Land Use Plans

With the adoption of the 2040 Comprehensive Plan: Future Land Use Plan & Map on May 26, 2020, all properties within the city limits as well as properties identified as being in the Municipal Influence Area (MIA) are subject to this plan.

According to the plan, these parcels and the immediate area surrounding these parcels should be developed for residential uses.

Issues/Analysis:

This area was annexed into the City in 2005 and the surrounding area was developed in accordance to the ordinance in effect at the time. The City Limit line runs along the eastern border of this property.

The applicant is proposing a 77 lot subdivision that will include 41 single-family lots and 36 townhome lots. All lots in the subdivision will front on internal 40' wide private roads that will be owned and maintained by the Homeowners Association.

According to the site plan submitted, the applicant is proposing to develop the site in three phases. Phase I will be developed with 22 single-family homes and 24 townhomes. Phase II will have 12 single-family homes and 12 townhomes while the last phase will have the remaining seven single-family homes.

Land within the City is generally classified by the Unified Development Ordinance (UDO) to be within one of a number of base zoning districts. When voluntary annexation requests occur, land is to be reclassified to one of a number of comparable zoning districts, in accordance with Section 30-2.C.

Surrounding Area:

To the north and west of this parcel is the City of Fayetteville and to the south and west is Cumberland County's jurisdiction. This entire area is comprised of residential subdivisions on lots that are between 0.50 acres and 1.5 acres. According to the Cumberland County GIS system, zoning in the area is mainly Single-Family 10 (SF-10) zoning for City properties and R 7.5 Residential District with some R5A District to the east across Surrey Road for properties under Cumberland County's jurisdiction.

Conditional Zoning:

The request is for a conditional zoning from Agricultural-Residential (AR) to Single-Family 10/Conditional Zoning (SF-10/CZ) zoning district.

The purpose of the SF-10 zoning district is to “establish and intended to accommodate principally single-family detached residential development at moderate densities that is designed to respond to environmental and site conditions. It also accommodates two- to four- family dwellings, single-family attached, and zero lot line development subject to the requirements of this Ordinance. All users in the district are subject to the design standards in Article 30-5: Development Standards. District regulations discourage any use that substantially interferes with the development of single-family dwellings and that is detrimental to the quiet residential nature of the district. Also allowed are complimentary uses usually found in residential zoning district, such as parks, open space, minor utilities, accessory dwellings, schools, and places of worship.”

The purpose of the CZ zoning district is “intended to provide a landowner and the City an alternative to rezoning the land to a standard base zoning district, where the base zoning allows certain uses and development that may be appropriate but also allow uses and development that may not conform to City plans or would have adverse impacts on public facilities or surrounding lands. Reclassification of land to a conditional zoning district allows a landowner to propose, and the City Council to consider, additional conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations applicable in the parallel base zoning district. This enables the City to tailor a zoning classification to accommodate desirable development while avoiding or addressing anticipated problems that may arise from development otherwise allowed by the base zoning district.”

Land Use Plan Analysis:

According to Future Land Use Plan Map, this area is recommended to develop as Low Density Residential (LDR). The Low Density Residential category is classified to accommodate mainly single-family residential with some accessory dwellings; occasionally, with duplexes (if isolated) or townhomes with lots typically 1-4 dwellings per acre.

Specifics of this Conditional Zoning:

The original subdivisions in this area, Turnberry of Gates Four and Gates Four, were originally platted in 1998 and 2002, respectively. These subdivisions were developed according to the guidelines established by Cumberland County and remain under the County's jurisdiction. Surrey Meadows was platted in 2007 and was developed based on the City of Fayetteville's standards for the R10 zoning district.

The applicant is requesting as part of this initial zoning that certain developmental conditions be put in place. The first development condition is to have the front yard setback of 55-feet from the centerline of a private street reduced to 15-feet from the property line and the rear setback of 35-feet reduced to 25-feet from the property line.

The second condition is that any lot that is deemed as a corner lot be allowed to be developed as a lot with one front yard setback instead of a dual front yard setback lot. Specifically, the applicant is requesting that the corner lot in the subdivision be allowed to develop with a 15-foot corner side yard setback in order for the lot to be in line with the 15-foot front yard setback requested previously.

Budget Impact:

There is not an immediate budgetary impact but there will be an economic impact associated with this rezoning that will occur over the next decade.

Options:

1. Approval of the map amendment/rezoning to SF-10/CZ as presented by the Planning staff (recommended).
2. Approval of the map amendment/rezoning to a more restrictive zoning district.
3. Deny the request.

Recommended Action:

The City Planning Staff recommends APPROVAL of the conditional zoning to Single-Family10/Conditional Zoning (SF-10/CZ) based on:

- This proposed zoning map amendment implements the policies adopted in the Future Land Use Plan and the Unified Development Ordinance. This district type is intended to meet the diverse housing needs of City residents by accommodating mainly single family residential with some accessory dwellings; occasionally with duplexes (if isolated) or townhomes;
- The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the future land use plan for this area and the previous approval of a conditional rezoning by the County;
- The proposed change is in accordance with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area. The owners and PWC will be providing these features to and in the project.
- There are no other factors which will substantially adversely affect the public health, safety, morals, or general welfare when built in accordance with the conditions.

Attachments:

1. Plan Review Application
2. Aerial Notification map
3. Zoning Map
4. Land Use Plan Map
5. Site Photos
6. Surrounding Area Photos
7. Concept Site Plan
8. UDO Table of Uses

Project Overview

#409169

Project Title: Autry Lake at Gates Four
Application Type: 5.2) Conditional Rezoning
Workflow: Staff Review

Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN: 0 ? N/A (9495-34-6633-)

GIS Verified Data

Property Owner: Parcel
• 0 ? N/A: CLIFFDALE CORNER LLC

Acreage: Parcel
• 0 ? N/A: 25.2

Zoning District:

Subdivision Name: Parcel
• 0 ? N/A: NOT APPLICABLE

Fire District:

Airport Overlay District:

Hospital Overlay District:

Coliseum Tourism District:

Cape Fear District:

Downtown Historic District:

Haymount Historic District:

Floodway:

100 Year Flood:

500 Year Flood:

Watershed:

General Project Information

Proposed Conditional Zoning District: SF-10/CZ - Conditional Single-Family Residential 10

Lot or Site Acreage to be rezoned: 25.2

Was a neighborhood meeting conducted?: No

Date of Neighborhood Meeting:

Number of Residential Units: 76

Nonresidential Square Footage: 0

Landowner Information

Landowner Name: Cliffdale Corner LLC

Deed Book and Page Number: DB 10433 PG 275

Written Description of Request - Answer all the questions under this section (upload additional sheets as needed).

A) Describe the proposed use of the rezoned land, including the proposed types of site improvements, buildings, uses, proposed activities, hours of operation, and operating characteristics.: Property is currently zoned AR. We are proposing a SF-10 rezoning with reduced front and rear setbacks. The property will be a mixture of townhomes and single family homes.

B) Describe the proposed conditions that should be applied.: We are requesting a front setback reduction to 15' and a rear setback reduction to 25'.

C) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.: We are requesting SF-10 with reduced front and rear setbacks. The surrounding property is zoned SF-10 and developed as single family residential.

Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).

A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.: Surrounding property is zoned and developed as single family residential. The request is consistent with the surrounding property.

B) Are there changed conditions that require an amendment? : We are requesting a front setback reduction to 15' and a rear setback reduction to 25'.

C) State the extent to which the proposed amendment addresses a demonstrated community need.: There is a need for residential units. There is currently a shortage in the market for residential units.

D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.: The requested zoning will match the surrounding zoning. It is the only undeveloped property in the area.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.: It is logical to develop the last remaining parcels as residential to match the surrounding property.

F) State the extent to which the proposed amendment might encourage premature development.: Everything surrounding the property is already developed. No premature development will result from the rezoning.

G) State the extent to which the proposed amendment results in strip-style commercial development.: Proposed zoning is for residential and not commercial zoning.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.: Requesting zoning will be in compliance with and match the surrounding zoning.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.: There should be little to no impact on the surrounding property values as the proposed development is residential like the surrounding development.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.: No significant adverse impacts are expected. The development will be in compliance with local and state requirements.

Primary Contact Information

Project Contact - Agent/Representative

Scott Brown
4D Site Solutions, Inc
409 Chicago Drive, Suite 112
Fayetteville, NC 28306
P:(910) 4266777
sbrown@4dsitesolutions.com

Indicate which of the following project contacts should be included on this project: Engineer

Project Owner

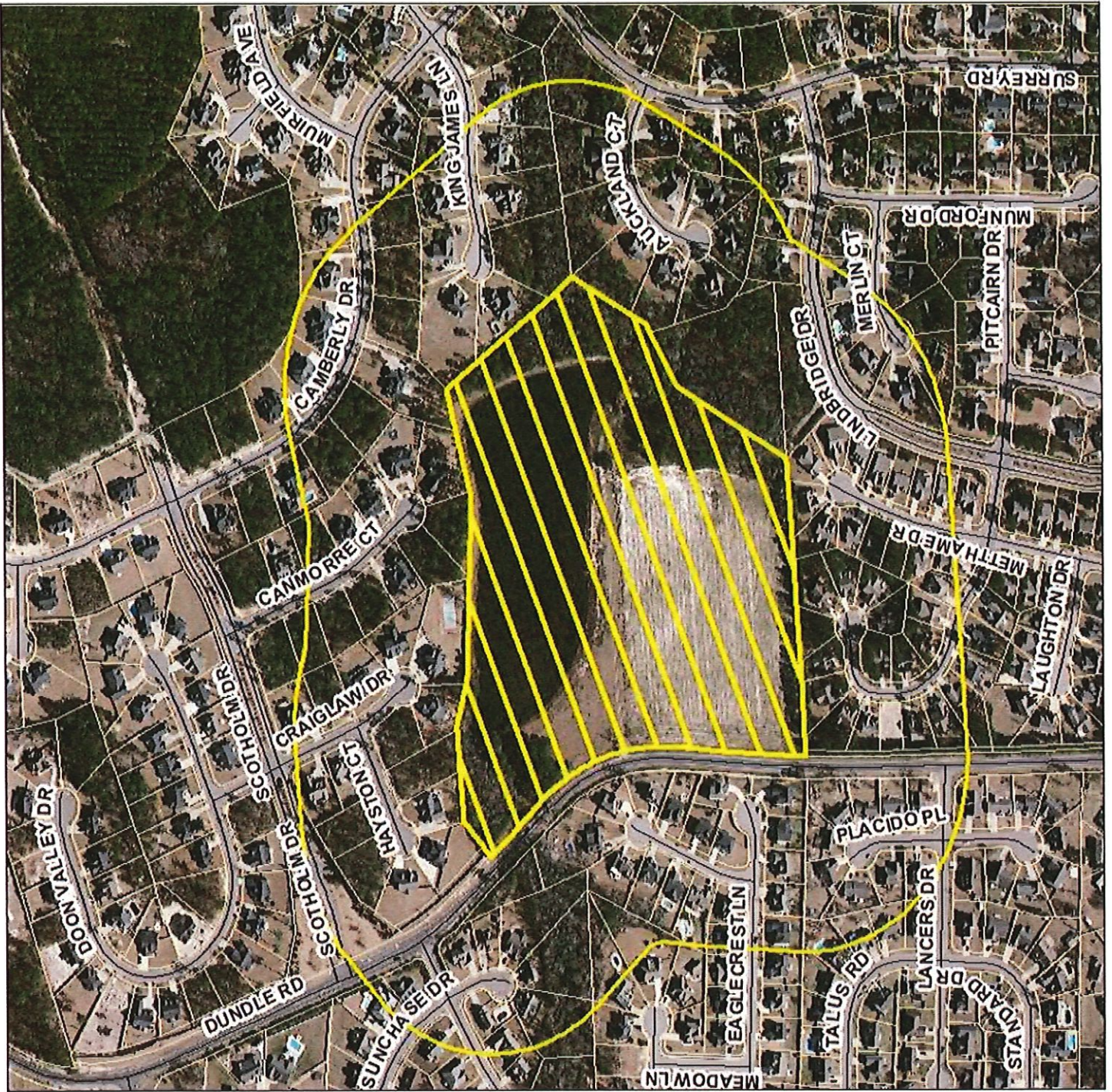
Palmer Williams
C&S Commercial Properties
2709 Thorngrove Court, Suite 1
Fayetteville, NC 28303
P:910-864-1125
pwilliams@c-sprop.com

NC State License Number:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

Project Contact - Primary Point of Contact for Engineer

Scott Brown
4D Site Solutions, Inc
409 Chicago Drive, Suite 112
Fayetteville, NC 28306
P:(910) 4266777
sbrown@4dsitesolutions.com



Aerial Notification Map

Zoning Commission
09/08/2020

Case #: P20-29F

Request:
Rezoning Conditional

Location:
Dundle Drive

Pins:
9495-34-6633

Acres:
25.2 acres



Legend

Autry Lake Buffer



P20-29F

Parcels



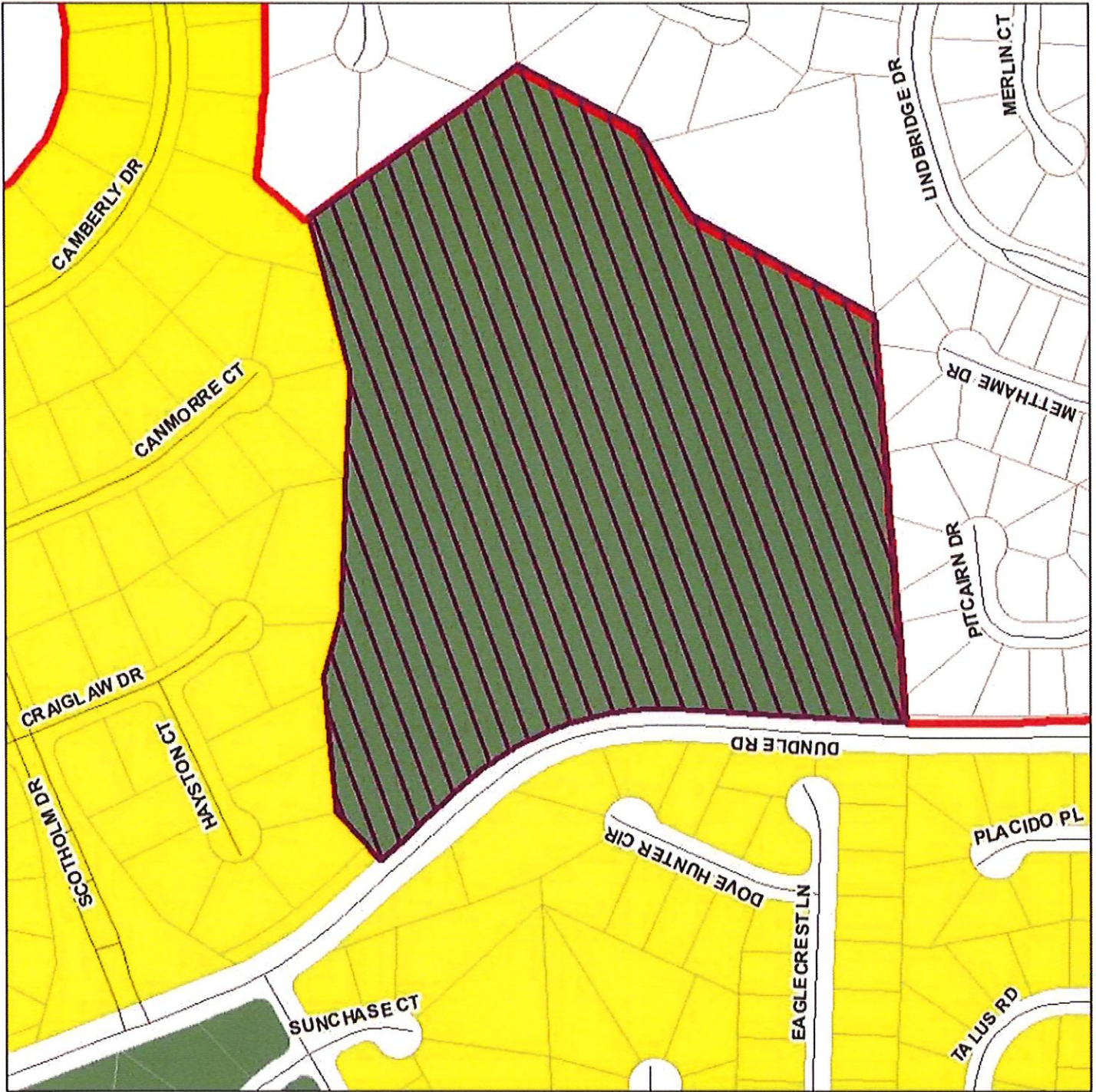
Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.

Recommendation:

Disposition Date:

Final Action:

P20-29F



Zoning Map
Zoning Commission
09/08/2020
Case #: P20-29F

Request:
Rezoning Conditional
AR to SF-10/CZ

Location:
off Dundle Road

Pin:
9495-34-6633

Acreage:
25.2 acres



Legend
P20-29F
AR - Agricultural-
Resi...
SF-10 - Single-
Family Residential
10

City of Fayetteville
North Carolina
PLANNING

Land Use Map

Zoning Commission

09/08/2020

Case #: P20-29F

Request:

Rezoning Conditional
AR to SF-10/CZ

Location:

off Dundle Road

Pin:

9495-34-6633

Acreage:

25.2 acres



Legend



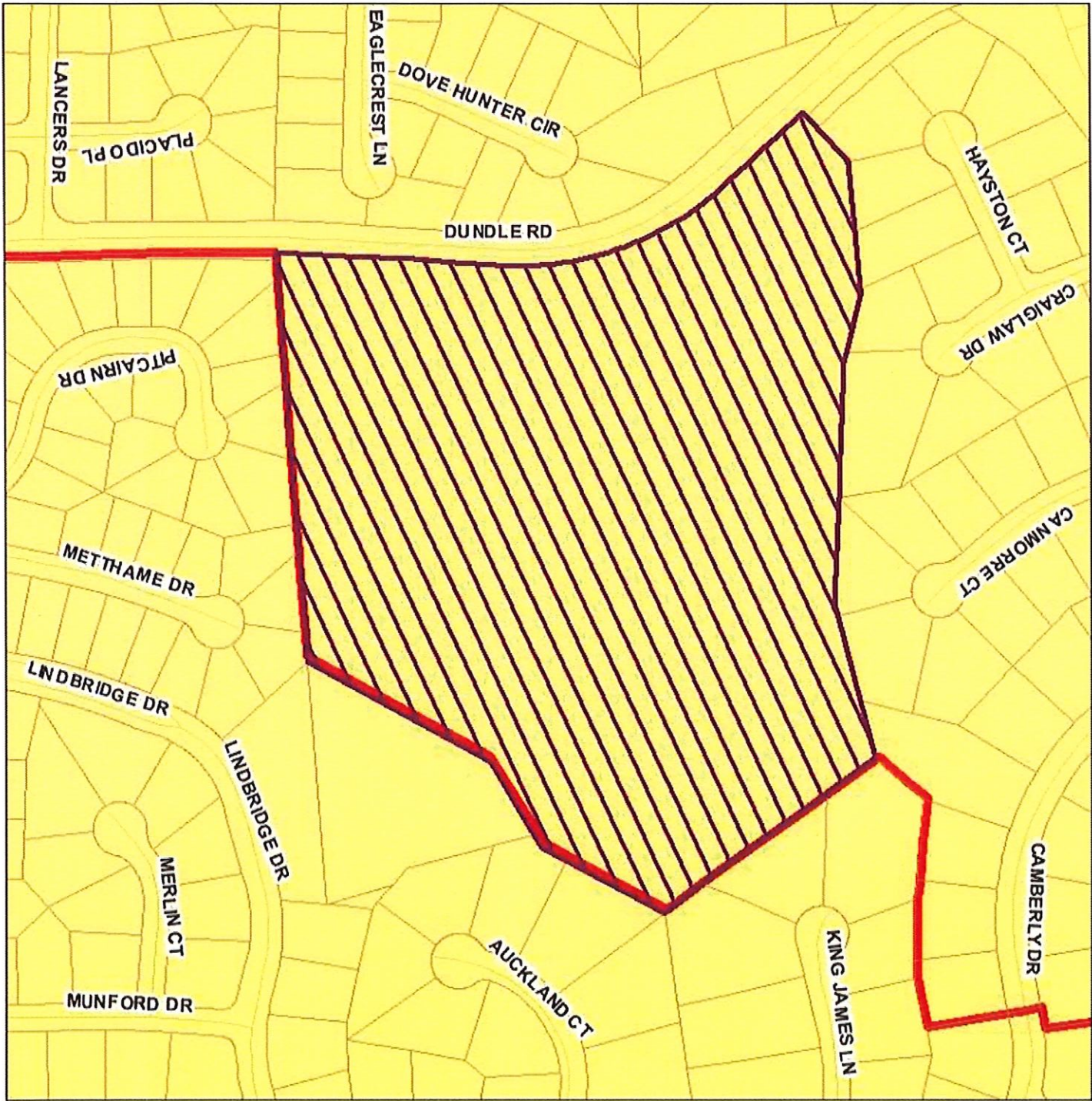
P20-29F

FUTURE

LAND USE



LOW DENSITY



P20-29F

Subject Property



Adjacent Properties



South

FINAL DRAWING
FOR REVIEW BY CHURCH & DWIGHT

PROJECT NAME
**AUTRY LAKE
AT GATES
FOUR**

OVERALL
SITE PLAN

CLIENT
**C&S COMMERCIAL
PROPERTIES**

2200 Thompson Court, Suite 1
Fremont, CA 94538
Phone (925) 864-1176

PROJECT INFORMATION

DATE	DATE
DESIGNED BY	DATE
DRAWN BY	DATE
CHECKED BY	DATE
APPROVED BY	DATE

DRAWING SCALE

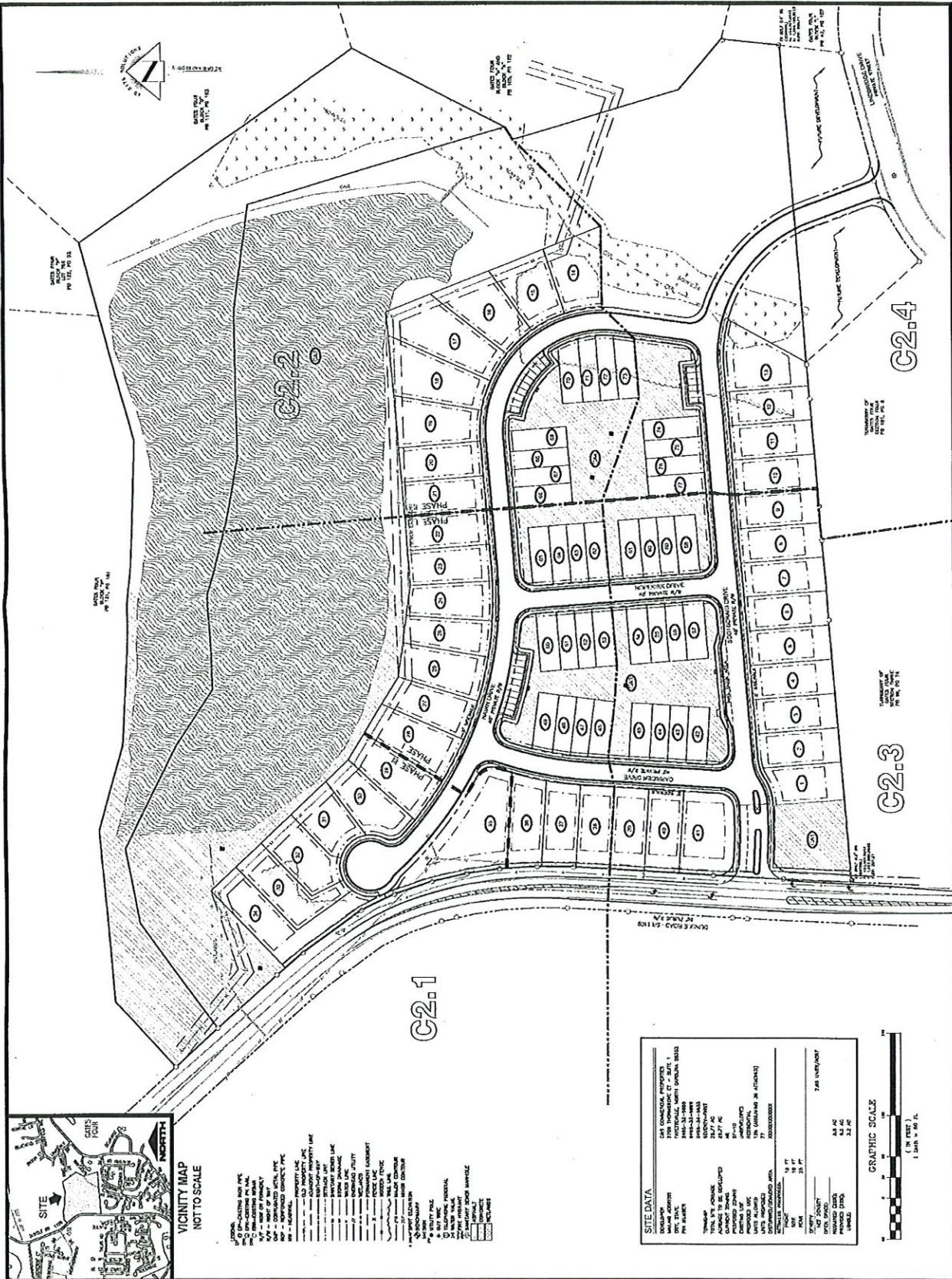
HORIZONTAL: 1" = 40'

DATE RELEASED

AUGUST 12, 2020

SHEET NUMBER

C-2.0



VICINITY MAP
NOT TO SCALE

- 1. SITE
- 2. GATES ROAD
- 3. CREEK
- 4. GATES ROAD - 241109
- 5. GATES ROAD - 241109
- 6. GATES ROAD - 241109
- 7. GATES ROAD - 241109
- 8. GATES ROAD - 241109
- 9. GATES ROAD - 241109
- 10. GATES ROAD - 241109
- 11. GATES ROAD - 241109
- 12. GATES ROAD - 241109
- 13. GATES ROAD - 241109
- 14. GATES ROAD - 241109
- 15. GATES ROAD - 241109
- 16. GATES ROAD - 241109
- 17. GATES ROAD - 241109
- 18. GATES ROAD - 241109
- 19. GATES ROAD - 241109
- 20. GATES ROAD - 241109
- 21. GATES ROAD - 241109
- 22. GATES ROAD - 241109
- 23. GATES ROAD - 241109
- 24. GATES ROAD - 241109
- 25. GATES ROAD - 241109
- 26. GATES ROAD - 241109
- 27. GATES ROAD - 241109
- 28. GATES ROAD - 241109
- 29. GATES ROAD - 241109
- 30. GATES ROAD - 241109
- 31. GATES ROAD - 241109
- 32. GATES ROAD - 241109
- 33. GATES ROAD - 241109
- 34. GATES ROAD - 241109
- 35. GATES ROAD - 241109
- 36. GATES ROAD - 241109
- 37. GATES ROAD - 241109
- 38. GATES ROAD - 241109
- 39. GATES ROAD - 241109
- 40. GATES ROAD - 241109
- 41. GATES ROAD - 241109
- 42. GATES ROAD - 241109
- 43. GATES ROAD - 241109
- 44. GATES ROAD - 241109
- 45. GATES ROAD - 241109
- 46. GATES ROAD - 241109
- 47. GATES ROAD - 241109
- 48. GATES ROAD - 241109
- 49. GATES ROAD - 241109
- 50. GATES ROAD - 241109
- 51. GATES ROAD - 241109
- 52. GATES ROAD - 241109
- 53. GATES ROAD - 241109
- 54. GATES ROAD - 241109
- 55. GATES ROAD - 241109
- 56. GATES ROAD - 241109
- 57. GATES ROAD - 241109
- 58. GATES ROAD - 241109
- 59. GATES ROAD - 241109
- 60. GATES ROAD - 241109
- 61. GATES ROAD - 241109
- 62. GATES ROAD - 241109
- 63. GATES ROAD - 241109
- 64. GATES ROAD - 241109
- 65. GATES ROAD - 241109
- 66. GATES ROAD - 241109
- 67. GATES ROAD - 241109
- 68. GATES ROAD - 241109
- 69. GATES ROAD - 241109
- 70. GATES ROAD - 241109
- 71. GATES ROAD - 241109
- 72. GATES ROAD - 241109
- 73. GATES ROAD - 241109
- 74. GATES ROAD - 241109
- 75. GATES ROAD - 241109
- 76. GATES ROAD - 241109
- 77. GATES ROAD - 241109
- 78. GATES ROAD - 241109
- 79. GATES ROAD - 241109
- 80. GATES ROAD - 241109
- 81. GATES ROAD - 241109
- 82. GATES ROAD - 241109
- 83. GATES ROAD - 241109
- 84. GATES ROAD - 241109
- 85. GATES ROAD - 241109
- 86. GATES ROAD - 241109
- 87. GATES ROAD - 241109
- 88. GATES ROAD - 241109
- 89. GATES ROAD - 241109
- 90. GATES ROAD - 241109
- 91. GATES ROAD - 241109
- 92. GATES ROAD - 241109
- 93. GATES ROAD - 241109
- 94. GATES ROAD - 241109
- 95. GATES ROAD - 241109
- 96. GATES ROAD - 241109
- 97. GATES ROAD - 241109
- 98. GATES ROAD - 241109
- 99. GATES ROAD - 241109
- 100. GATES ROAD - 241109

SITE DATA	
OWNER	C&S COMMERCIAL PROPERTIES
DESIGNED BY	4Dsite solutions
DRAWN BY	4Dsite solutions
CHECKED BY	4Dsite solutions
APPROVED BY	4Dsite solutions
DATE	8/12/20
PROJECT NAME	AUTRY LAKE AT GATES FOUR
PROJECT ADDRESS	2200 Thompson Court, Suite 1, Fremont, CA 94538
PROJECT PHONE	(925) 864-1176
PROJECT FAX	(925) 864-1176
PROJECT EMAIL	4Dsite@4Dsite.com
PROJECT WEBSITE	www.4Dsite.com
PROJECT MAP	4Dsite solutions
PROJECT SCALE	1" = 40'
PROJECT DATE	8/12/20
PROJECT TIME	10:00 AM
PROJECT LOCATION	2200 Thompson Court, Suite 1, Fremont, CA 94538
PROJECT STATUS	Final Drawing
PROJECT COMMENTS	



P20-31F. Rezoning of property zoned Single-Family 10 (SF-10) to Conservation District (CD), located near the intersection of Lake Trail Drive and Lake Meadow Drive, (Tax Map #s 0405-29-5125) totaling 0.51 acres \pm and being the property of Carlos Davis. (Craig Harmon)

ZONING COMMISSION

STAFF REPORT

TO: Zoning Commission Members

THRU: Taurus Freeman – Planning & Zoning Divisional Manager

FROM: Craig Harmon, CZO – Planner II

DATE: September 8, 2020

RE:

P20-31F. Rezoning of property zoned Single-Family 10 (SF-10) to Conservation District (CD), located near the intersection of Lake Trail Drive and Lake Meadow Drive, (Tax Map #s 0405-29-5125) totaling 0.51 acres ± and being the property of Carlos Davis.

COUNCIL DISTRICT(S):

6 – Christopher Davis

Relationship to Strategic Plan 2030:

2030 Goals, Goal II

Objective B: Implement strategies that diversify the city's tax base and increase the industrial and commercial tax bases.

Executive Summary:

The property in question is split zoned Conservation District (CD) and Single-Family 10 (SF-10). The SF-10 portion of this property is currently unbuildable, since the access to the property is through a creek and a Conservation District. Furthermore, the remaining SF-10 area cannot meet the required setbacks to provide a buildable lot. Because of these issues, the owner wishes to rezone the remaining SF-10 area to CD.

Prior to the annexation of this area into Fayetteville's city limits, the property was split zoned in Cumberland County.

Background:

These properties are located between the intersections of these roadways, Lake Trail Drive, Birchcree Drive, and Lakemeadow Drive. This property is surrounded by single-family and conservation district zonings. Single-family and open space uses border the property. The parcel is currently undeveloped.

Applicant: Carlos A. Davis

Owners: Carlos A. Davis

Requested Action: SF-10 to CD

Property Addresses: Between the intersections of the roadways Lake Trail Drive, , Birchcreeft Drive, Lakemeadow Drive

Council District: 6 – Christopher Davis

Status of Properties: Undeveloped

Size: 1.27 acres

Adjoining Land Use & Zoning:

- North – SF-10 & CD: Developed Single Family
- South – SF-10 & CD: Developed Single Family
- West – SF-10: Developed Single Family
- East – SF-10: Developed Single Family

Traffic Count: No traffic data available on Lake Trail Dr.

Letters Mailed: 84

2040 Comprehensive Plan and Future Land Use Map

The 2040 Future Land Use Plan and Map were adopted in 2020. The plan and map covers the entirety of Fayetteville's incorporated limits and Municipal Influence Area (MIA). Hence, the plan contains some recommendations, which are broad concepts applicable to all development within those areas.

The plan recommends low density residential for this area.

LDR: Mainly single family residential with some accessory dwellings; occasionally with duplexes (if isolated) or townhomes. Lots typically 1-4 dwellings per acre. Suburban, auto-oriented character with utility services..

Issues/Analysis:

The subject property is within an area that contains single-family residential uses. Lake Trail Drive, which borders this property to the north, is classified as a local road.

This property is currently split zoned into two districts. If approved, this rezoning would consolidate this property into one uniform district. Half of this property is zoned residential; however, the middle section of the property is zoned for conservation use. The owner requests to rezone the entire property to only CD.

Prior to the adoption of the Unified Development Ordinance (UDO) in 2011, these properties were zoned Residential 10 (R10) and Conservation District (CD).

Land within the City is generally classified by the UDO to be within one of a number of base zoning districts. Land may be reclassified to one of a number of comparable zoning districts in accordance with Section 30-2.C.

Straight Zoning:

The request is for a straight zoning from Single Family 10 (SF-10) to Conservation District (CD).

The purpose of the CD zoning district is “established and intends to preserve and protect identifiable natural resources from urban encroachment—i.e., to preserve water-courses and protect them from erosion and sedimentation; retain open spaces and greenways and protect their environmentally-sensitive character; preserve wildlife and plant life habitats and protect them from the intrusions of urbanization; provide air and noise buffers to ameliorate the effects of development; and preserve and maintain the aesthetic qualities and appearance of the community. The district also discourages development that creates risks for loss of life or property from normal natural processes and events in natural hazard areas (e.g., floodplains).”

The reclassification of land to a straight zoning district allows all of the conservation uses that are shown on the attached Use Table taken from the UDO. The City Council may not consider conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations that are applicable.

Land Use Plan Analysis:

According to the 2040 Future Land Use Plan and Map, this area is best served as low density residential.

The City Planning Staff recommends APPROVAL of the map amendment to CD based on the following:

- This proposed zoning map amendment implements the policies adopted in the Unified Development Ordinance and 2040 Future Land Use Plan and Map. This district type is intended to preserve and protect identifiable natural resources from urban encroachment. and;
- The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the existing zoning, uses surrounding this property and the recommendations of the 2040 Future Land Use Plan; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Budget Impact:

There is not an immediate budgetary impact but there may be an economic impact associated with this rezoning that will occur over the next decade.

Recommended Action:

Planning Staff recommends approval of the requested rezoning to CD (Conservation District) as presented by Staff and based on the information provided above and all attachments.

- The amendment is consistent with applicable plans because: 1) the City’s Unified Development Ordinance and 2040 Future Land Use Plan supports Conservation zoning district uses in the area; 2) the uses surrounding this property are all residential and conservation uses which are compatible with the proposed

zoning; and 3) the proposed zoning is reasonable and in the public interest because the proposed zoning fits the character of the overall area.

Options:

1. Approval of the map amendment/rezoning to CD.
2. Approval of the map amendment/rezoning to a more restrictive zoning district.
3. Deny the rezoning request.

Attachments:

1. Application
2. Aerial Notification map
3. Zoning Map
4. Land Use Plan Map
5. Subject Properties Photos
6. Surrounding Properties Photos
7. UDO Table of Uses

Project Overview

#383272

Project Title: Bobby & Sue Jorden
Application Type: 5.4) Variance
Workflow: Staff Review

Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN: 6884 FAMILY ST (9497-65-7295-)

GIS Verified Data

Property Owner: Parcel
• 6884 FAMILY ST: JORDAN, SUE ANN JONES

Acreage: Parcel
• 6884 FAMILY ST: 2.96

Zoning District:

Subdivision Name: Parcel
• 6884 FAMILY ST: NOT APPLICABLE

Fire District:

Airport Overlay District:

Hospital Overlay District:

Coliseum Tourism District:

Cape Fear District:

Downtown Historic District:

Haymount Historic District:

Floodway:

100 Year Flood:

500 Year Flood:

Watershed:

Variance Request Information

Requested Variances: variance

Section of the City Code from which the variance is being requested.: 30-3

Describe the nature of your request for a variance and identify the standard(s)/requirement(s) of the City Code proposed to be varied.: 2.93 acres site, build a 60 x 40 building in a SF-10 zoning larger than allowed.

Identify the zoning district designation and existing use of land for all adjacent properties, including those across the street.: SF-10 zoning exist use single family homes on all adjacent property, except east of site zoning is MR-5

Justification for Variance Request - Use this and the following pages to answer the questions (upload additional sheets if necessary).

The Variance Standards states: A variance application shall be approved only upon a finding that all of the following standards are met.

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
2. Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result from conditions that are common to the neighborhood or the general public be the basis from granting a variance;
3. The Variance is the minimum action that will make possible a reasonable use of land or structures;

4. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and
5. In the granting of this Variance, the public safety and welfare have been assured and substantial justice has been done.

Please complete the following five (5) questions to verify the evidence that all the required standards are applicable to your property and/or situation.

Provide a written description of any hardship(s) and how such hardship(s) is not self-imposed.: the size required by present zoning is not sufficient to store and maintain antique and show automobiles owned by property owner. The required size for SF-10 is not adequate and would require multiple buildings.

Indicate if the property has exceptional topographic conditions or some other extraordinary situation or condition that makes it unlike other properties in the immediate vicinity.: the property is flat with very little change in topography, as is all the surrounding property.

Is there some particular condition, situation, or development on the property immediately adjacent to the subject property that affects the subject property's ability to comply with the regulations?: none.

Describe how the variance is in harmony with the general purpose and intent of the City Code, and preserves the spirit.:
The proposed variance would allow property owner to maintain the balance of a brick home and wood outbuildings, one of which is existing and the new building would be in keeping with the already in place smaller wood building and allow the future removal of some of the existing smaller metal buildings. This would keep intact the intent of the City Code and a balance appearance to the neighborhood.

Explain any potential negative external impacts that may result from the proposed variance, and how they will be mitigated. Financial hardship cannot be considered for a reason to grant a variance.: There should not be any negative impact on this site, the requested larger building would allow the owners use of another building without planning future need for anyother buildings.

Height of Sign Face : 0

Height of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Height of Sign Face: 0

Square Footage of Sign Face : 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Primary Contact Information

Project Contact - Agent/Representative

Wyman Nichols
Nichold Building LLC
1010 Cedar Creek Road
Fayetteville, NC 28312
P:910-323-1944
F:910-323-9876
nicbldgs@earthlink.net

Project Owner

Bobby & Sue Jorden

6884 Family Street
Fayetteville, NC 28314
P:910-864-1791
bobbyhjordan@gmail.com

Indicate which of the following project contacts should be included on this project: Contractor, Surveyor

Project Contact - Primary Point of Contact for the Contractor

Wyman Nichols
Nichold Building LLC
1010 Cedar Creek Road

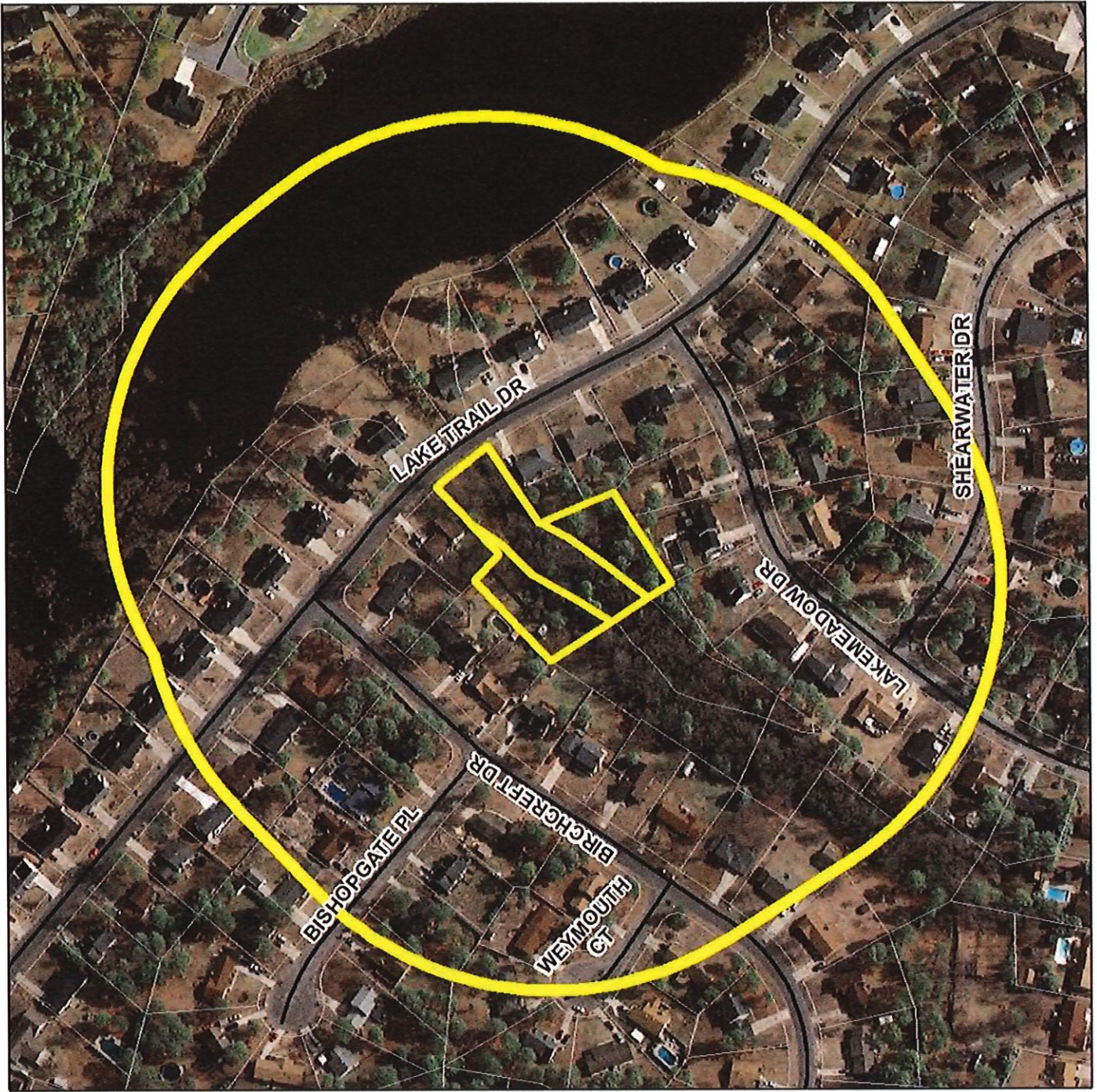
NC State License Number: 57077

Fayetteville, NC 28312
P:910-323-1944
F:910-323-9876
nicbldgs@earthlink.net

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

Project Contact - Primary Point of Contact for the Surveyor
Bobby & Sue Jorden

6884 Family Street
Fayetteville, NC 28314
P:910-864-1791
bobbyhjordan@gmail.com



Aerial Notificaton

Map

Zoning Commission
09/08/2020

Case #: A20-31F

Request:

Rezoning
Arran Lakes Subdivision,
Lake Trail; SF-10 to CD

Location:

Off Lake Trail Drive

Pin:

0405-29-5125

Acreage:

1.27 acres



Legend

- FayZoning_Buffer
- Parcels



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.

Recommendation:

Disposition Date:

Final Action:

Zoning Map

Zoning Commission
09/08/2020

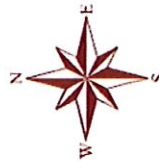
Case #: A20-31F

Request:
Rezoning
Arran Lakes Subdivision,
Lake Trail; SF-10 to CD

Location:
Off Lake Trail Drive

Pin:
0405-29-5125

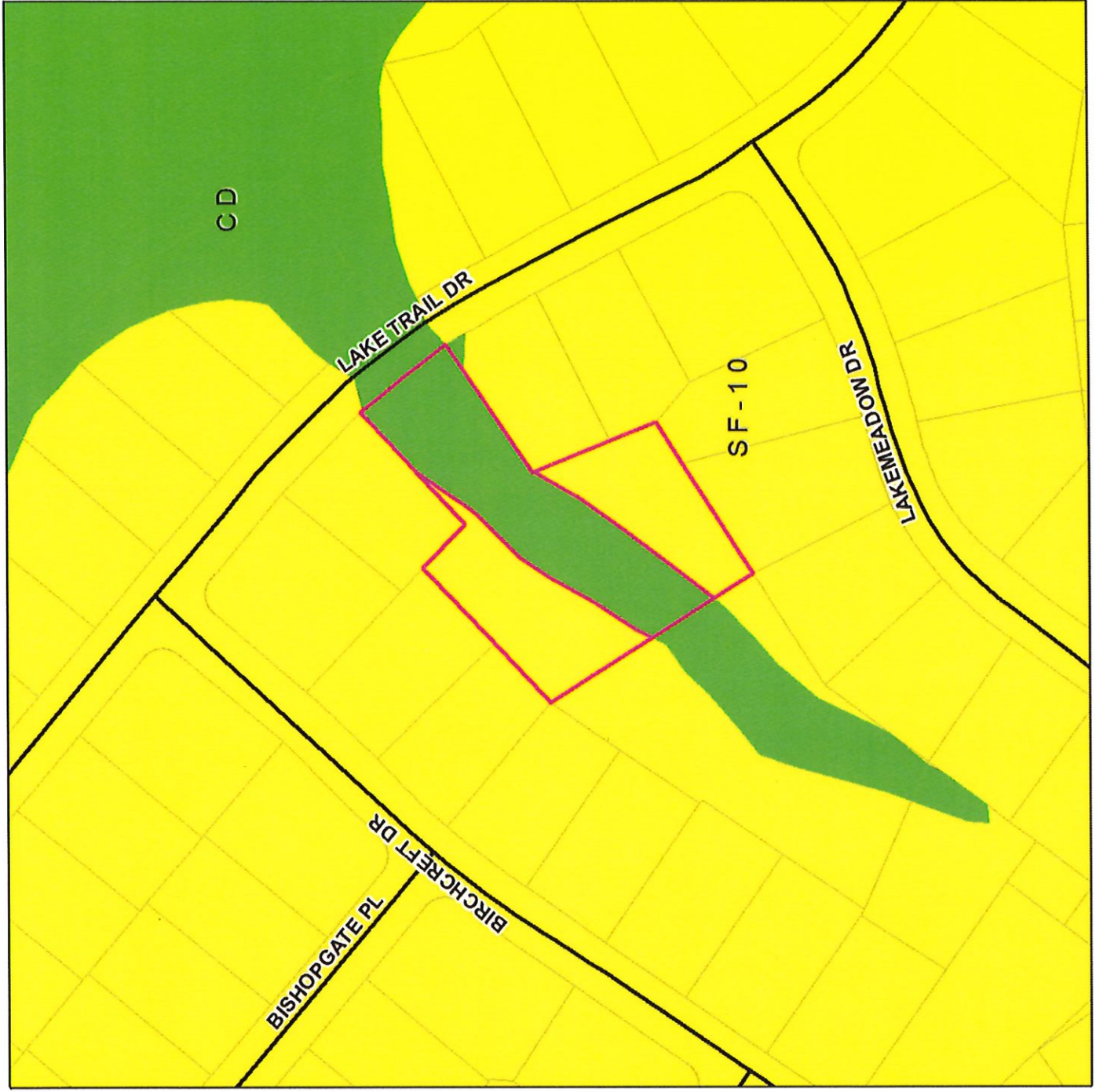
Acreage:
1.27 acres



Legend



City of
Fayetteville
North Carolina
PLANNING



Land Use Map

Zoning Commission

09/08/2020

Case #: A20-31F

Request:

Rezoning

Arran Lakes Subdivision,
Lake Trail; SF-10 to CD

Location:

Off Lake Trail Drive

Pin:

0405-29-5125

Acreage:

1.27 acres



Legend

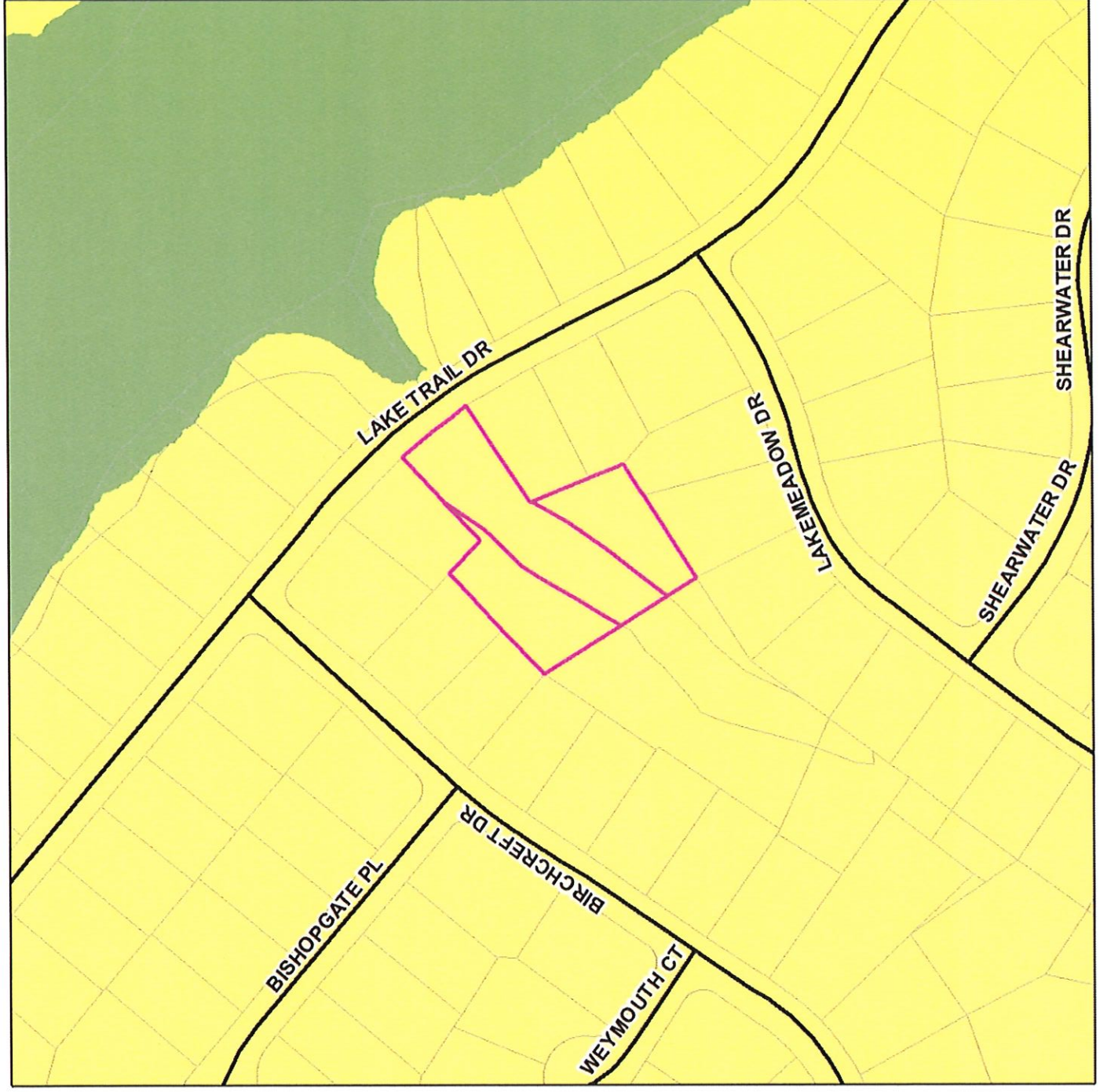
Future Land Use 2040

Character Areas

PARKOS - PARK / OPEN SPACE

LDR - LOW DENSITY

Parcels



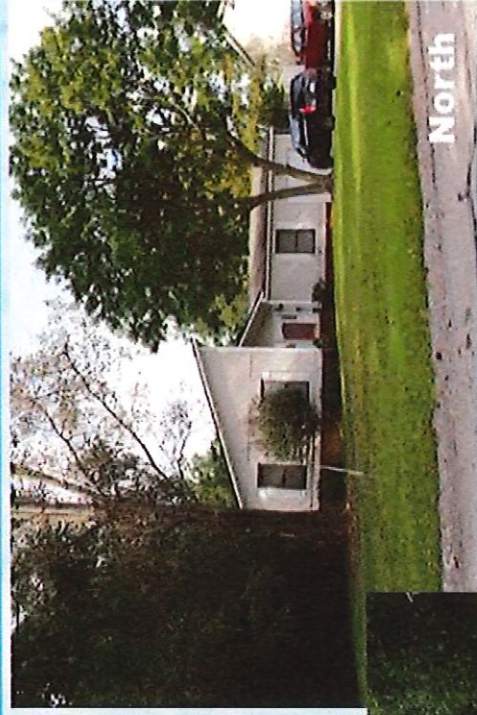
City of
Fayetteville
North Carolina
PLANNING

Subject Property





Surrounding Properties



P20-32F. Conditional zoning of a property zoned Single-Family 6 (SF-6) to Official & Institutional/Conditional Zoning (OI/CC), located at 2714 - 2726 Arlington Ave, (Tax Map #'s 0427-30-6816, 0427-30-5835, 0427-30-4864, 0427-30-3883) totaling 1.27 acres ± and being the property of N & B CO LLC., represented by George M. Rose, P.E. (Craig Harmon)

ZONING COMMISSION

STAFF REPORT

TO: Zoning Commission Members

THRU: Taurus Freeman – Planning & Zoning Divisional Manager

FROM: Craig M. Harmon – Planner II

DATE: September 8, 2020

RE:

P20-32F. Conditional zoning of property zoned Single-Family 6 (SF-6) to Official & Institutional/Conditional Zoning (OI/CC), located at 2714 - 2726 Arlington Ave, (Tax Map #'s 0427-30-6816, 0427-30-5835, 0427-30-4864, 0427-30-3883) totaling 0.34 acres ± and being the property of N & B CO LLC., represented by George M. Rose, P.E.

COUNCIL DISTRICT(S):

2 – Shakeyla Ingram

Relationship to Strategic Plan 2030:

2030 Goals, Goal II

Objective B: Implement strategies that diversify the city's tax base and increase the industrial and commercial tax bases.

Executive Summary:

The applicant, George Rose, on behalf of Jim Haugh of N & B Co LLC., has submitted a request to rezone a portion of four properties from Single-Family Residential 6 (SF-6) to Official and Institutional/Conditional Zoning (OI/CZ).

The rezoned land will be used for a paved drive aisle and additional parking for Terminix, which is, located on the adjacent (to the north) O&I tract at 2709 Breezewood Avenue. Hours of operation would be normal business hours of 8:00 to 5:00 Monday through Friday. The rezoning is requested due to the rerouting of a drive aisle and loss of existing parking associated with a proposed addition to the rear of the Terminix building.

Background:

N & B CO LLC owns all the four properties in question and the Terminix office building to the north.

Applicant: George Rose
Owner: Jim Haugh - N & B CO LLC
Requested Action: Rezoning from SF-6 to OI/CZ
Property Addresses: 2714 - 2726 Arlington Avenue
Council District: 2
Status of Property: Single Family Residential Use
Size: 0.34 acres ±
Adjoining Land Use & Zoning:

- North: OI – Offices
- South: SF-6 – Single-Family Homes
- West: SF-6 – Single-Family Homes
- East: SF-6 – Single-Family Homes

Traffic Count: There are no traffic counts for this area.
Letters Mailed: 109

2040 Comprehensive Plan and Future Land Use Map

The 2040 Future Land Use Plan and Map were adopted in 2020. The plan and map covers the entirety of Fayetteville's incorporated limits and Municipal Influence Area (MIA). Hence, the plan contains some recommendations, which are broad concepts applicable to all development within those areas.

According to the plan, this area should be encouraged to develop as medium density residential.

Issues/Analysis:

The subject property is part of a small residential neighborhood that is located along Arlington Avenue and a section of Forsythe Street. Commercial and office zoning and uses mostly surround this neighborhood.

The proposed amendment would change the rear 25-percent of these residentially-zoned properties. The residential properties are currently 200-feet in depth so that after rezoning the residential portion of the lots will still be 150-feet.

Two of the four properties in this application are vacant and the structures on the other two properties are located within the front third of the lots. The new residentially-zoned boundary will still be approximately 50-feet. A Type D buffer is proposed between the O&I and residential zones. This will help protect the residential portion of the lots from sight and noise disturbance.

Properties along Arlington Avenue are becoming predominantly rental with several lots appearing to be vacant. Increased business for the Terminix business has created a demand for additional space in their facility. The irregular shape and rotation of the existing facility does not allow for any additional space without encroaching onto the existing drive aisle in the rear of the building.

Increased business for the Terminix business has created a demand for additional space in their facility. The irregular shape of the existing facility does not allow for any additional space without encroaching onto the existing drive aisle in the rear of the building. Existing traffic patterns and parking cannot be reasonably altered to avoid the

need for using a portion of the residentially-zoned property for vehicular access and parking.

Rear portions of these residential lots adjacent to the existing O&I zoning are being used mainly for storage buildings and outdoor storage of vehicles and equipment. The proposed Type D buffer between zones will eliminate sight and noise disturbance. This rezoning request is only for a small portion of the rear of the deep residential lots. Buffering between residential and O&I properties will create a sufficient barrier between the varying uses.

The conditional rezoning request will have little effect on the development of surrounding O&I or residential properties. The proposed rezoning is an extension of the current O&I zone and does not create isolated areas that are incompatible with surrounding zoning.

The rezoning should have little to no negative impact on surrounding O&I or residential property uses or values. Residential lots on Arlington Avenue have excess rear yards that are typically being used for storage. The remaining residential portion of the lots that will be left after the rezoning is sufficient for typical residential uses.

The proposed rezoning has no impact on the natural environment. Some overgrown and unused portions of the residential lots will be better utilized with the proposed use, according to the applicant.

Land within the City is generally classified by the Unified Development Ordinance (UDO) to be within one of several base zoning districts. Land may be reclassified to one of many comparable zoning districts in accordance with Section 30-2.C.

Conditional Zoning:

The request is for conditional zoning from Single-Family – 6 (SF-6) to Office & Institutional/Conditional Zoning (OI/CZ).

The purpose of the CZ zoning district is “intended to provide a landowner and the City an alternative to rezoning the land to a standard base zoning district, where the base zoning allows certain uses and development that may be appropriate but also allow uses and development that may not conform to City plans or would have adverse impacts on public facilities or surrounding lands. Reclassification of land to a conditional zoning district allows a landowner to propose, and the City Council to consider, additional conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations applicable in the parallel base zoning district. This enables the City to tailor a zoning classification to accommodate desirable development while avoiding or addressing anticipated problems that may arise from development otherwise allowed by the base zoning district.”

Specifics of this Conditional Rezoning:

The applicant is seeking to expand the footprint of their existing business located at 2709 Breezewood Avenue by adding a new building and redesigned parking lot to their facility.

The proposed change would take the rear 50 feet of four residential lots and use those for parking and a travel lane.

2040 Comprehensive Plan and Future Land Use Map

The 2040 Future Land Use Plan and Map were adopted in 2020. The plan and map covers the entirety of Fayetteville's incorporated limits and Municipal Influence Area (MIA). Hence, the plan contains some recommendations, which are broad concepts applicable to all development within those areas.

According to the plan, this area should be encouraged to develop as medium density residential with Neighborhood Mixed Use bordering it to the north.

Conditions of Approval Submitted by the Applicant:

1. The area to be rezoned to only be used for parking and traffic throughway.
2. Office hours 8 a.m. to 5 p.m. Monday through Friday.
3. Type D Buffer to be installed where the rezoning area borders a residential zoning district.

Additional Conditions Recommended by the Staff:

1. File a recombination plat to join the area being rezoned with the Terminix property to the north.

The City Planning Staff recommends APPROVAL of the map amendment to OI/CZ based on the following:

- This proposed zoning map amendment implements the policies adopted in the Unified Development Ordinance. This district type is intended to provide a landowner and the City an alternative to rezoning the land to a standard base zoning district, where the base zoning allows certain uses and development that may be appropriate but also allow uses and development that may not conform to City plans or would have adverse impacts on public facilities or surrounding lands.;
- The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property;
- The proposed change is in accordance with the existing or proposed plans for the area; and
- There are no other factors which will substantially affect public health, safety, morals, or general welfare.

Budget Impact:

There is not an immediate budgetary impact but there may be an economic impact associated with this rezoning that will occur over the next decade.

Options:

1. Approval of the map amendment/rezoning to OI/CZ with the conditions from the applicant and staff listed above. (Recommended)
2. Approval of the map amendment/rezoning to OI/CZ with only the conditions from the applicant listed above.
3. Approval of the map amendment/rezoning to OI/CZ with additional conditions or revision of those conditions listed above.
4. Approval of the map amendment/rezoning to a more restrictive SF-6/CZ
5. Deny the rezoning request.

Recommended Action:

The Planning Staff recommends APPROVAL of the requested rezoning to OI/CZ (Office & Institutional/Conditional Zoning). The amendment is consistent with the overall neighborhood.

Attachments:

1. Application
2. Aerial Notification map
3. Zoning Map
4. Land Use Plan Map
5. Subject Property Photos
6. Surrounding Property Photos
7. Site Plan with Aerial Map
8. UDO Table of Uses

Project Overview

#404938

Project Title: 2714 - 2726 Arlington Avenue
Application Type: 5.2) Conditional Rezoning
Workflow: Staff Review

Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN: 2726 ARLINGTON AVE (0427-30-3883-)

GIS Verified Data

Property Owner: Parcel
• 2726 ARLINGTON AVE: N&B CO LLC

Acreage: Parcel
• 2726 ARLINGTON AVE: 0.34

Zoning District:

Subdivision Name: Parcel
• 2726 ARLINGTON AVE: LAFAYETTE PARK

Fire District:

Airport Overlay District:

Hospital Overlay District:

Coliseum Tourism District:

Cape Fear District:

Downtown Historic District:

Haymount Historic District:

Floodway:

100 Year Flood:

500 Year Flood:

Watershed:

General Project Information

Proposed Conditional Zoning District: O/CZ - Conditional Office and Institutional

Lot or Site Acreage to be rezoned: 0.34

Was a neighborhood meeting conducted?: No

Date of Neighborhood Meeting:

Number of Residential Units: 4

Nonresidential Square Footage:

Landowner Information

Landowner Name: N&B CO LLC

Deed Book and Page Number: 8618 @ 492

Written Description of Request - Answer all the questions under this section (upload additional sheets as needed).

A) Describe the proposed use of the rezoned land, including the proposed types of site improvements, buildings, uses, proposed activities, hours of operation, and operating characteristics.: Conditional rezoning request is for the northern (rear) 50 feet of 4 lots with addresses 2714-2726 Arlington Avenue. REID numbers are 0427303883000, 0427304864000, 0427305835 and 0427306816000. The

B) Describe the proposed conditions that should be applied.: Property is to be used for vehicular access and parking associated with the Terminix operation only.

rezoned land will be used for a paved drive aisle and additional parking for Terminix which is located on the adjacent (to the north) O&I tract at 2709 Breezewood Avenue. Hours of operation would be normal business hours of 8:00 to 5:00 Monday through Friday. The rezoning is required due to the rerouting of a drive aisle and loss of existing parking associated with a proposed addition to the rear of the Terminix building.

C) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.:

Properties on the south side of Breezewood Avenue are zoned O&I with business uses of health care, pest control, legal offices, accounting offices, physical therapy, financial services, etc. Properties on the north side of Breezewood Avenue are zoned CC and are commercial and retail uses.

Both sides of Arlington Avenue are residential uses with a mixture of owner-occupied and rental properties.

Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).

A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.: The proposed amendment changes only the rear 25% of the residentially-zoned properties. The residential properties are currently 200 feet in depth so that after rezoning the residential portion of the lots will still be 150' in depth. Two of the four properties in this application are vacant and the structures on the other two properties are located within the front third of the lots so that the setback to the new residentially-zoned boundary will still be approximately 50 to 60 feet. A Type D buffer proposed between the O&I and residential zones will protect the residential portion of the lots from sight and noise disturbance.

B) Are there changed conditions that require an amendment? : Properties along Arlington Avenue are becoming predominantly rental in nature with several lots being vacant. Increased business for the Terminix business has created a demand for additional space in their facility. The irregular shape of the existing facility does not allow for any additional space without encroaching onto the existing drive aisle in the rear of the building.

C) State the extent to which the proposed amendment addresses a demonstrated community need.: Increased business for the Terminix business has created a demand for additional space in their facility. The irregular shape of the existing facility does not allow for any additional space without encroaching onto the existing drive aisle in the rear of the building. Existing traffic patterns and parking cannot be reasonably altered to avoid the need for using a portion of the residentially-zoned property for vehicular access and parking.

D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.: Residential properties along Arlington Avenue are trending to rental versus owner-occupied with several lots being vacant. Rear portions of the deep residential lots adjacent to the O&I zoning are being used mainly for storage buildings and outdoor storage of vehicles and equipment. The proposed Type D buffer between zones will eliminate sight and noise disturbance.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.: Rezoning request is only for a small portion of the rear of the deep residential lots. Buffering between residential and O&I properties will create a sufficient barrier between the varying uses.

F) State the extent to which the proposed amendment might encourage premature development.: Rezoning request will have no effect on development of surrounding O&I or residential properties.

G) State the extent to which the proposed amendment results in strip-style commercial development.: Proposed rezoning does not facilitate or provide incentive for commercial development.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.: Proposed rezoning is merely a minor extension of the current O&I zone and does not

create isolated areas that are incompatible with surrounding zoning.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.: Proposed rezoning will have no negative impact on surrounding O&I or residential property uses or values. Residential lots on Arlington Avenue have excess rear yards that are typically being used for storage or are in an overgrown state. The remaining residential portion of the lots post rezoning is more than sufficient for typical residential uses.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.: The proposed rezoning has no impact on the natural environment. Some overgrown and unused portions of the residential lots will be better utilized with the proposed use.

Primary Contact Information

Project Contact - Agent/Representative

George Rose
George M. Rose, P.E.
P.O. Box 53441
Fayetteville, NC 28305
P:910-977-5822
grose9295@gmail.com

Indicate which of the following project contacts should be included on this project: Engineer

Project Owner

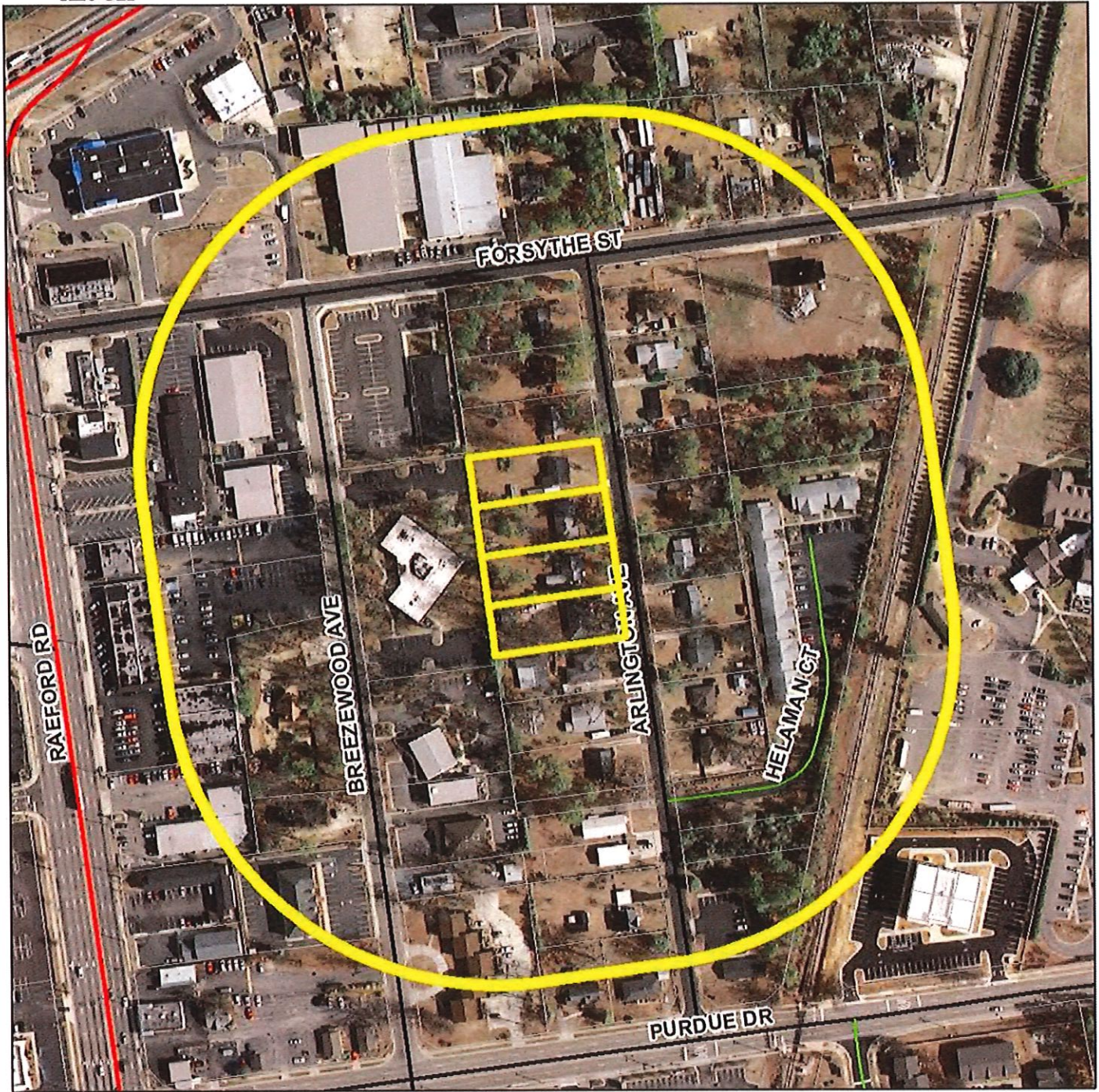
Jim Haugh
N & B CO LLC
2709 Breezewood Avenue
Fayetteville, NC 28303
P:910-624-3564
jim@insect.com

NC State License Number:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

Project Contact - Primary Point of Contact for Engineer

George Rose
George M. Rose, P.E.
P.O. Box 53441
Fayetteville, NC 28305
P:910-977-5822
grose9295@gmail.com



Aerial Notification Map

Zoning Commission
09/08/2020

Case #: A20-32F

Request:

Rezoning

2714-2726 Arlington Ave
SF-6 to OI/CZ

Location:

2714-2726 Arlington Ave

Pin:

0427-30-3883, 0427-30-4864,
0427-30-5835, 0427-30-6816


Acreage:

0.34 acres



Legend

 500 Foot Buffer

 Parcels



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.

Recommendation:

Disposition Date:

Final Action:

Zoning Map

Zoning Commission
09/08/2020

Case #: A20-32F

Request:

Rezoning
2714-2726 Arlington Ave
SF-6 to OI/CZ

Location:

2714-2726 Arlington Ave

Pin:

0427-30-3883, 0427-30-4864,
0427-30-5835, 0427-30-6816

Acreege:

0.34 acres



Legend

CC	MR-5	OI	SF-6



Land Use Map

Zoning Commission
09/08/2020

Case #: A20-32F

Request:

Rezoning
2714-2726 Arlington Ave
SF-6 to OI/CZ

Location:

2714-2726 Arlington Ave

Pin:

0427-30-3883, 0427-30-4864,
0427-30-5835, 0427-30-6816

Acreage:

0.34 acres

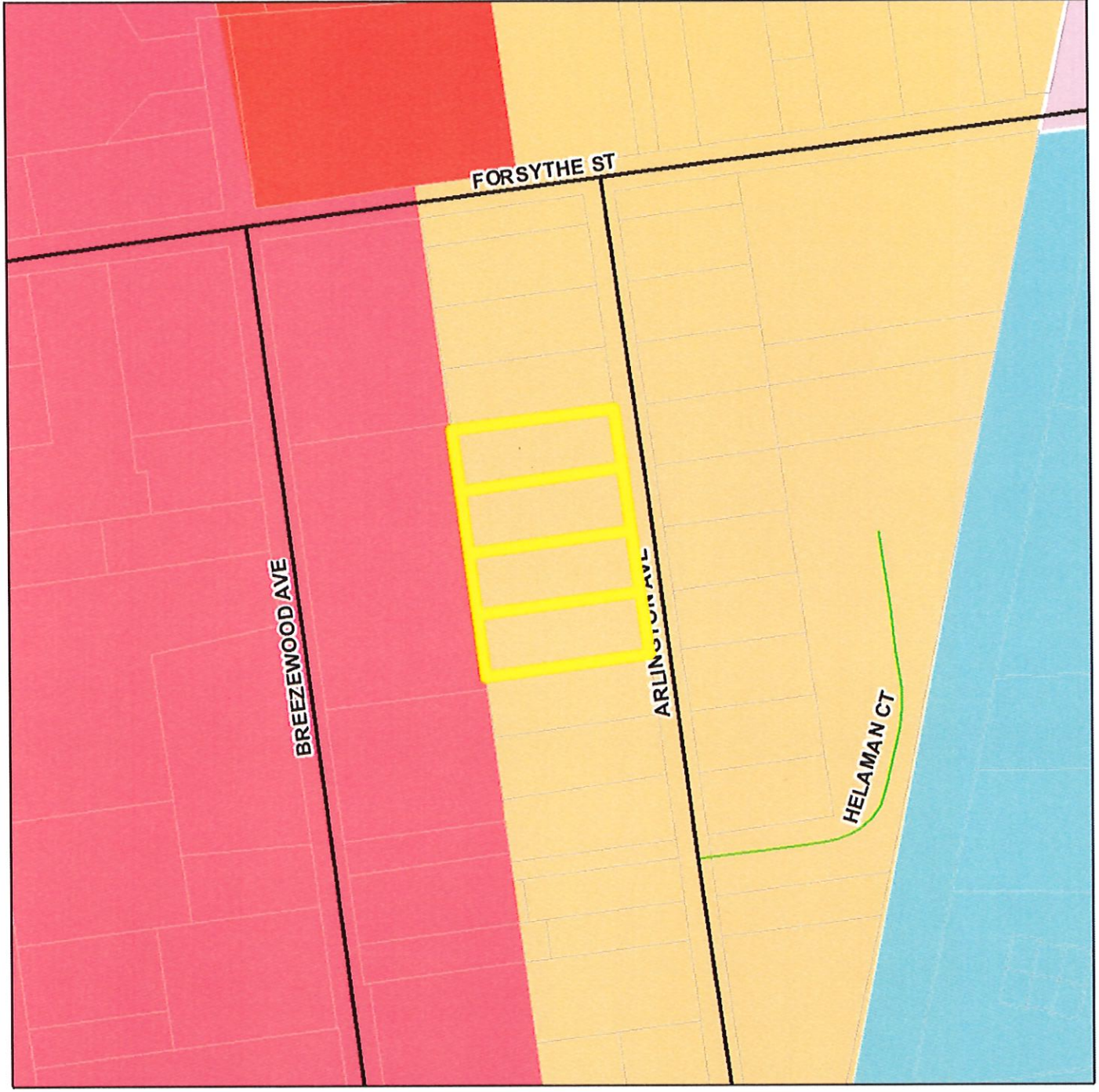


Legend

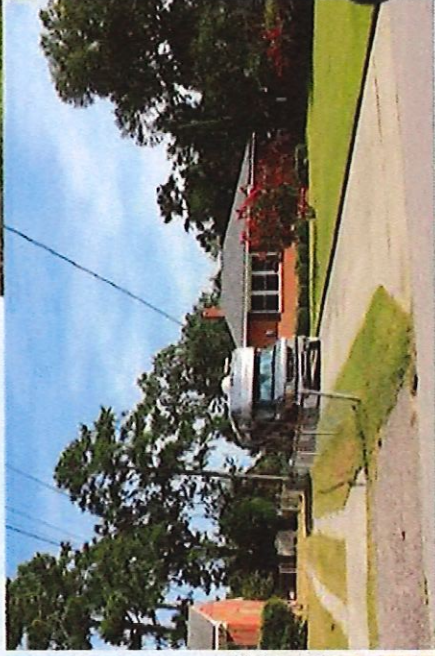
Future Land Use 2040

Character Areas

MDR - MEDIUM DENSITY
NMU - NEIGHBORHOOD MIXED USE
CC - COMMUNITY CENTER
HC - HIGHWAY COMMERCIAL
OI - OFFICE / INSTITUTIONAL
Parcels

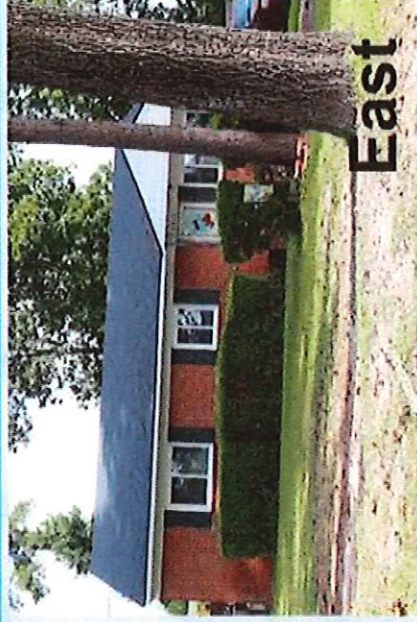
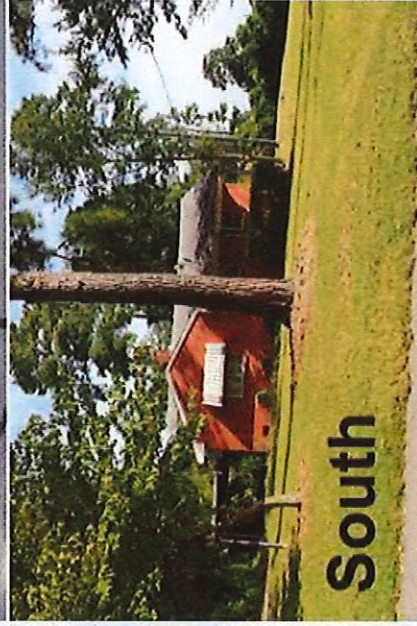
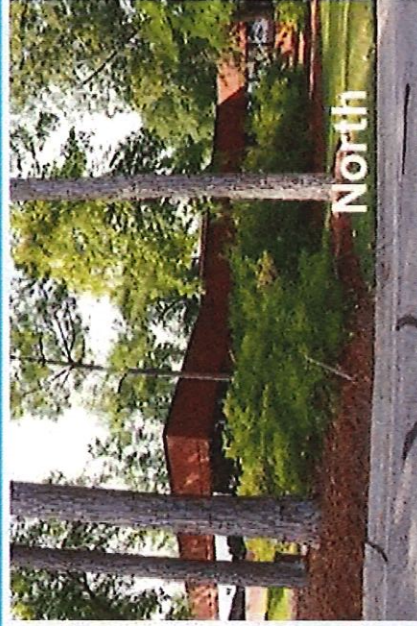


Subject Property





Surrounding Properties





P20-33F. Rezoning of two parcels currently zoned as Single-Family 6 (SF-6) to Mixed Residential 5 (MR-5), located at the corner of Faison Avenue and David Street, (Tax Map #s 0416-69-7499 and 0416-69-6448) totaling 0.51 acres \pm and being the property of Vulcan Homes, LLC, represented by Robert Doran. (Jennifer Baptiste)

ZONING COMMISSION STAFF REPORT

TO: Zoning Commission Members

THRU: Taurus Freeman – Planning & Zoning Divisional Manager

FROM: Jennifer C Baptiste, CFM – Senior Planner

DATE: August 25, 2020

RE:

P20-33F. Rezoning of two parcels currently zoned as Single-Family 6 (SF-6) to Mixed Residential 5 (MR-5), located at the corner of Faison Avenue and David Street, (Tax Map #s 0416-69-7499 and 0416-69-6448) totaling 0.51 acres ± and being the property of Vulcan Homes, LLC, represented by Robert Doran.

COUNCIL DISTRICT(S):

5 – Johnny Dawkins

Relationship to Strategic Plan 2030:

2030 Goals, Goal IV

Objective E: To provide quality affordable housing that revitalizes neighborhoods.

Executive Summary:

The applicant, Robert Doran, has submitted a request to rezone two properties from Single-Family 6 (SF-6) to Mixed Residential 5 (MR-5) for the possibility of building duplexes on each lot.

Background:

One property is located at the corner of Faison Avenue and David Street while the other property is located at the corner of David Street and Hicks Avenue. Both properties are currently undeveloped. Combined, both parcels total 0.51 acres ±.

Applicant/Owner: Vulcan Homes, LLC., represented by Robert Doran

Requested Action: Rezoning from SF-6 to MR-5

Property Addresses: 308 Faison Avenue and 0 Davis Street

Council District: 5

Status of Properties: Both parcels are undeveloped

Size: 0.51 acres ±

Adjoining Land Use & Zoning:

- North: MR-5 – Multi-family Complex
- South: SF-10 – Single-Family Residences
- West: SF-6 – Single-Family Residences
- East: SF-10 and MR-5 – Single-Family Residences and Quadplexes

Traffic Count: 590 on Faison Avenue per day (2016).

Letters Mailed: 54

Land Use Plans

With the adoption of the 2040 Comprehensive Plan: Future Land Use Map & Plan on May 26, 2020, all properties within the city limits as well as properties identified as being in the Municipal Influence Area (MIA) are subject to this plan.

According to the plan, this area is recommended to develop with predominantly residential uses in the immediate area surrounding these parcels. To the north of the parcels closer to Raeford Road and to the west close to Ireland Drive, the plan recommends highway commercial development.

Issues/Analysis:

History

The subject properties and the surrounding area were annexed into the City of Fayetteville between 1990 and 1999. Both parcels are undeveloped.

Surrounding Area:

This portion of Faison Avenue has a variety of housing options. To the north of the subject properties is the Greenwood Villas Duplex Community. Greenwood Villas consist of seven duplex buildings. Directly across Faison Avenue is an unnamed three-unit townhome development. South, east, and west of the subject properties are single-family homes.

Although the immediate area has various residential housing options, due to the proximity to Raeford Road, various commercial developments are located close to the subject properties.

Rezoning Request:

The rezoning application is a request to rezone the subject properties from Single-Family Residential 6 (SF-6) to Mixed Residential (MR-5). Both properties are undeveloped parcels and total 0.51 acres ±. According to the application submitted, the applicant is proposing to construct a duplex on each parcel. A duplex is considered a dwelling, two- to four- family according to the Unified Development Ordinance's Use Table and would be permitted by right in the MR-5 zoning district.

Although allowed by right in the MR-5 zoning district, the development would still have to be reviewed by the Technical Review Committee and receive all required development permits.

Land within the City is generally classified by the Unified Development Ordinance (UDO) to be within one of a number of base zoning districts. Land may be reclassified to one of a number of comparable zoning districts in accordance with Section 30-2.C.

Straight Zoning:

The request is for a straight zoning from Single-Family Residential 6 (SF-6) to Mixed Family Residential 5 (MR-5).

The purpose of the MR-5 zoning district is to "establish and intended to meet the diverse housing needs of City residents by accommodating a wide variety of residential housing types and arrangements at moderate to high densities, including single-family detached dwellings, two- to four- family dwellings, and other residential development that may include single-family attached dwellings, and zero lot line development subject to the requirements of this Ordinance."

The reclassification of land to a straight zoning district allows all of the uses that are shown on the attached Use Table taken from the UDO. The City Council may not consider conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations that are applicable.

Land Use Plan Analysis:

According to Future Land Use Map & Plan, this area is recommended to develop as Medium Density Residential (MDR). The Medium Density Residential category is classified to accommodate primarily single-family residential neighborhoods with small lots (3-6 dwellings per acre), with duplexes or townhomes interspersed as well as low-rise apartments.

Budget Impact:

There is not an immediate budgetary impact but there may be an economic impact associated with this rezoning that will occur over the next decade.

Recommended Action:

The City Planning Staff recommends APPROVAL of the map amendment to MR-5 based on the following:

- This proposed zoning map amendment implements the policies adopted in the Future Land Use Plan and the Unified Development Ordinance. This district type is intended to meet the diverse housing needs of City residents by accommodating a wide variety of residential housing types and arrangements at moderate to high densities, including single-family detached dwellings, two- to four- family dwellings, multi-family dwellings, and other residential development that may include single-family attached dwellings, and zero lot line development;
- The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Options:

1. Approval of the map amendment/rezoning to MR-5.
2. Approval of the map amendment/rezoning to a more restrictive zoning district.
3. Deny the rezoning request.

Attachments:

1. Application
2. Aerial Notification map
3. Zoning Map
4. Land Use Plan Map
5. Site Photos
6. Surrounding Area Photos
7. UDO Table of Uses

Project Overview

#413510

Project Title: Faison Ave.

Application Type: 5.1) Rezoning (Map Amendment)

Workflow: Staff Review

Jurisdiction: City of Fayetteville

State: NC

County: Cumberland

Project Location

Project Address or PIN:

- 308 FAISON AVE (0416-69-7499-)
- 0 ? N/A (0416-69-6448-)

GIS Verified Data

Property Owner: Parcel

- 308 FAISON AVE: CAMPBELL, JOHN F
- 0 ? N/A: CAMPBELL, JOHN F

Zoning District:

Fire District:

Hospital Overlay District:

Cape Fear District:

Haymount Historic District:

100 Year Flood:

Watershed:

Acreage: Parcel

- 308 FAISON AVE: 0.25
- 0 ? N/A: 0.26

Subdivision Name: Parcel

- 308 FAISON AVE: ROXANNA WILLIAMS
- 0 ? N/A: ROXANNA WILLIAMS

Airport Overlay District:

Coliseum Tourism District:

Downtown Historic District:

Floodway:

500 Year Flood:

General Project Information

Has the land been the subject of a map amendment application in the last five years?: No

Previous Amendment Case #:

Acreage to be Rezoned: 0.50

Water Service: Public

A) Please describe all existing uses of the land and existing structures on the site, if any: There is no use of the land currently. They are both empty lots that are adjacent to each other.

Previous Amendment Approval Date:

Proposed Zoning District: MR5

Is this application related to an annexation?: No

Sewer Service: Public

B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.: They are both currently zoned for SF6. They are both right next to each other, Lot 120 and Lot 121.

Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).

A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.: We would like to have it rezoned to MR5 because we plan on building a duplex on each lot and selling/renting those duplexes out later/ We already have a lot that is MR5 within that area and was hoping to do the same for that lot as well.

B) Are there changed conditions that require an amendment? : We would like to be able to build a duplex on those lots which requires us to have it rezoned to be MR5.

C) State the extent to which the proposed amendment addresses a demonstrated community need.: By rezoning it to MR5 and allowing us to put duplexes in those lots, we are able to provide more homes for the people of this city, especially since most of them is military. We continue to have in an increase in soldiers so having these homes available will allow them to have a home, even if it temporary.

D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.: We already have a lot in the subdivision that is MR5 and when i spoke with someone from development to get advice, they said that the likelihood of it being rezoned to MR5 is high due to there being multiple lots that are already zoned as MR5.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.: There are already lots within the subdivision that are zoned as MR5 so there will be no discrepancies if these two lots were to be rezoned from SF6 to MR5.

F) State the extent to which the proposed amendment might encourage premature development.: This is not applicable to our project.

G) State the extent to which the proposed amendment results in strip-style commercial development.: this is not applicable to our project.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.: This is not applicable to our project.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.: This is not applicable to our project.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.: This is not applicable to our project.

Primary Contact Information

Project Contact - Agent/Representative

Robert Doran
Vulcan Homes, LLC
3947 Dunn Rd., #5
Fayetteville, NC 28312
P:910-728-1239
vuxllc@gmail.com

Project Owner

Robert Doran
Vulcan Homes, LLC
3947 Dunn Rd., #5
Fayetteville, NC 28312
P:910-728-1239
vuxllc@gmail.com

Indicate which of the following project contacts should be included on this project: Contractor

Project Contact - Primary Point of Contact for the Contractor

Daniel Wright

4960 Rockfish Rd
Raeford, NC 28376
P:910-391-6229
danielnathanwright@gmail.com

NC State License Number: 00369

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

Project Contact: Primary Point of Contact for the Sign Contractor

Daniel Wright

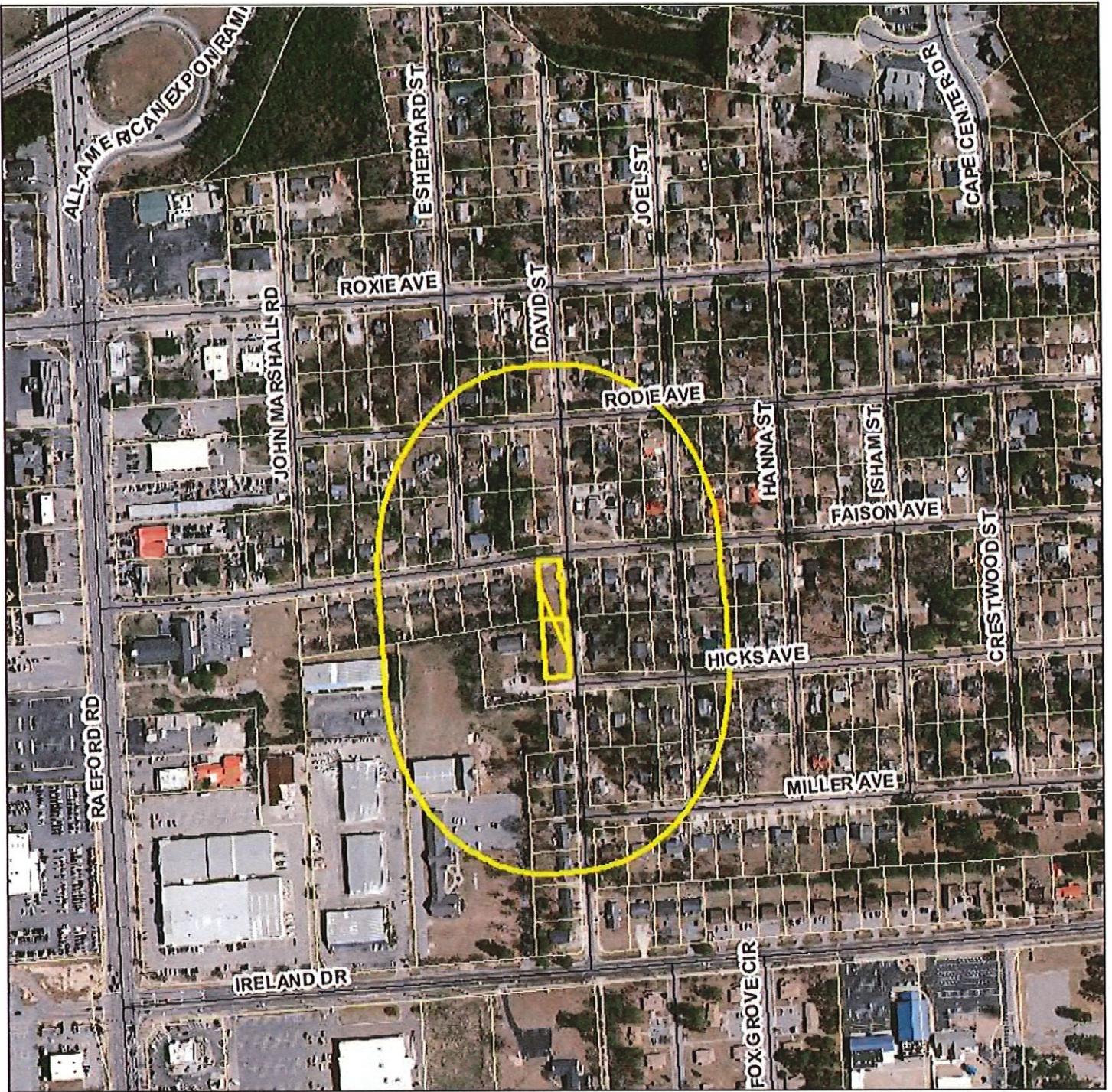
4960 Rockfish Rd

Raeford, NC 28376

P:910-391-6229

danielnathanwright@gmail.com

P20-33F



Aerial Notification Map

Zoning Commission
09/08/2020

Case #: P20-33F

Request:
Map Amendment
SF-6 to MR-5

Location:
Faison Avenue and
David Street

Pins:
0416-69-7499
0416-69-6448

Acreage:
0.51 acres



Legend

Faison Ave Buffer



P20-33F

Parcels



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.

Recommendation:

Disposition Date:

Final Action:

Zoning Map

Zoning Commission
09/08/2020

Case #: P20-33F

Request:
Map Amendment
SF-6 to MR-5






Location:
Faison Avenue and David Street

Pin:
0416-69-7499
0416-69-6448

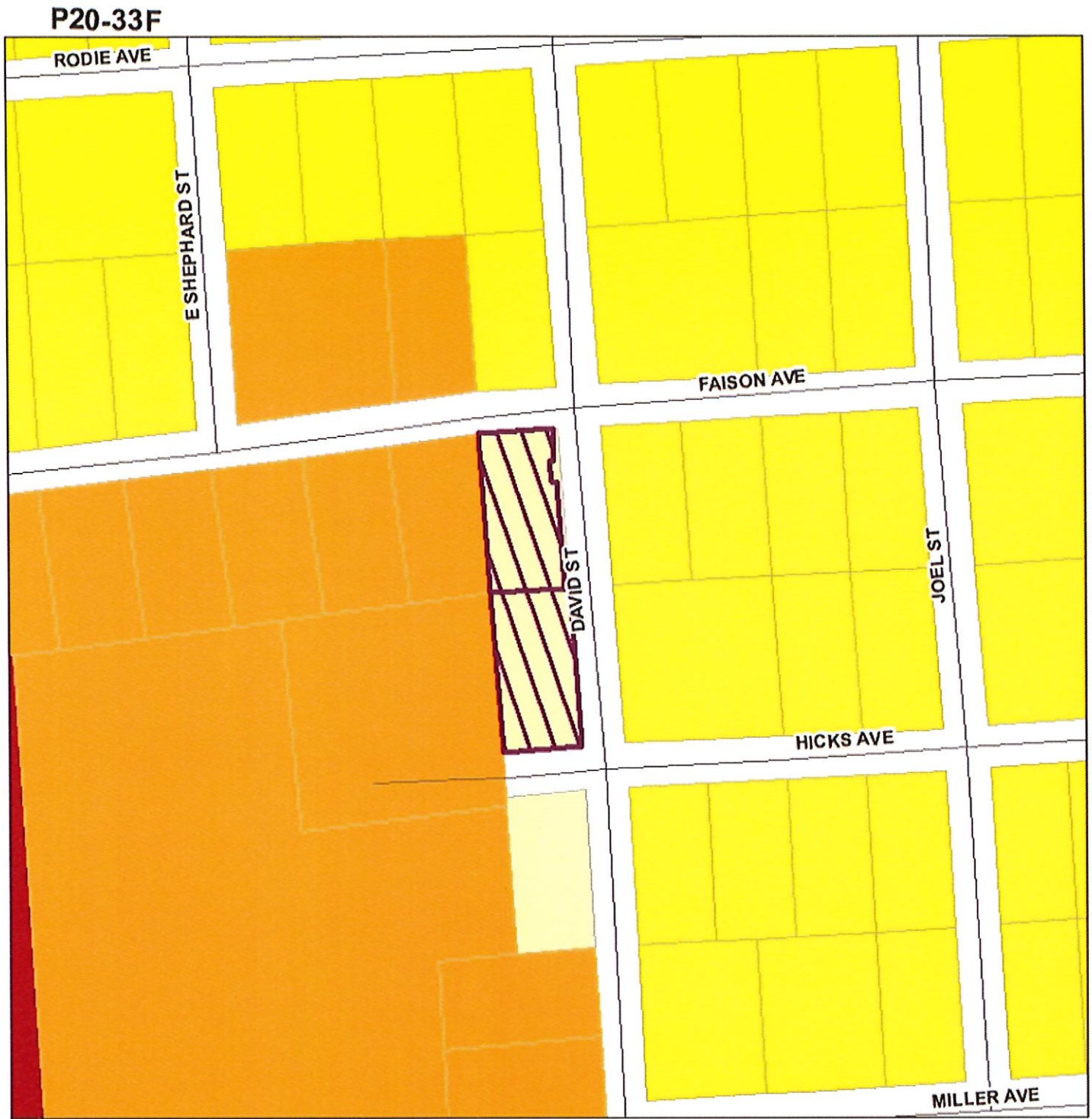
Acreage:
0.51 acres



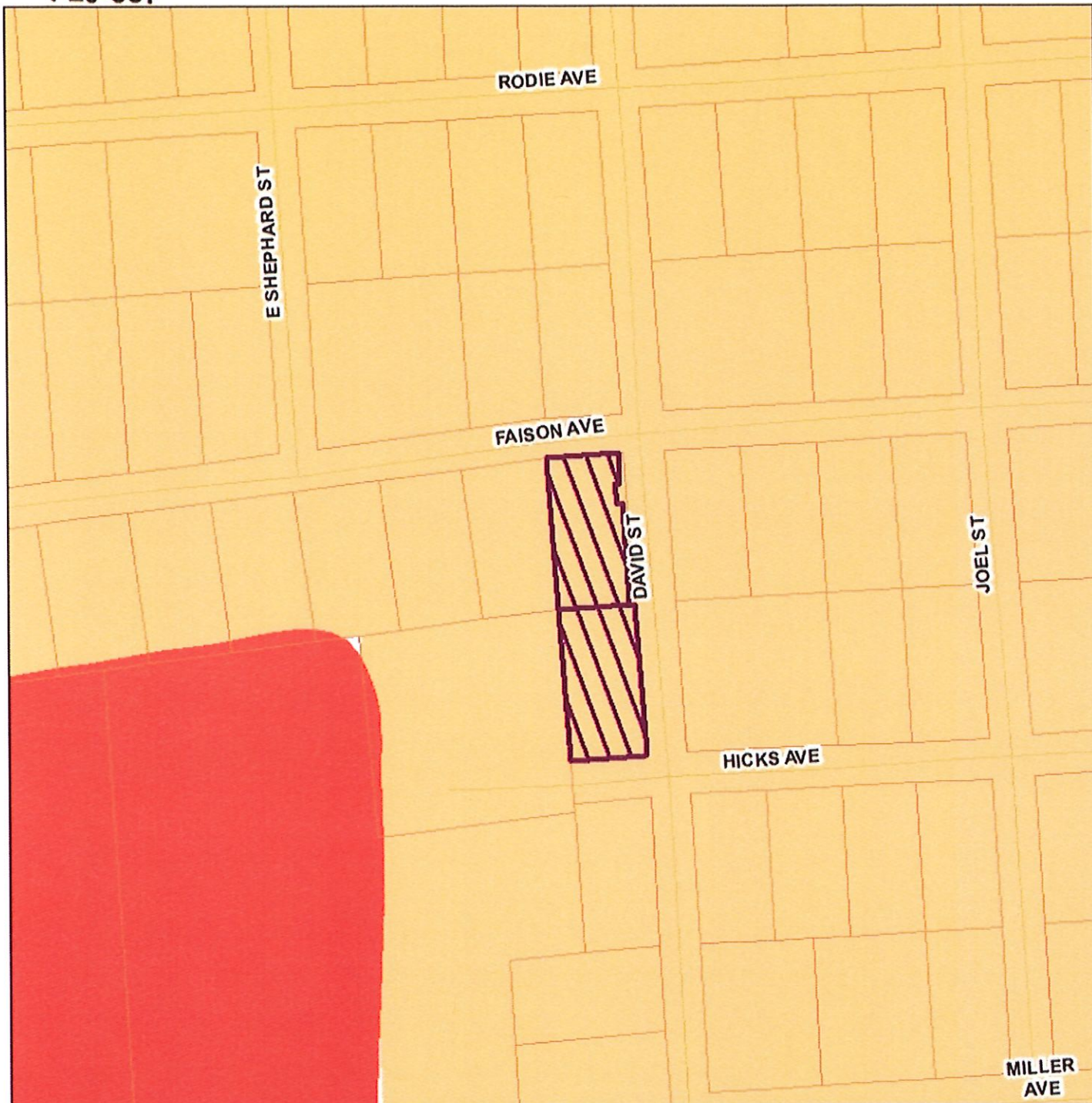
Legend

-  P20-33F
-  CC - Community Commercial
-  MR-5 - Mixed Residential 5
-  SF-6 - Single-Family Residential 6
-  SF-10 - Single-Family Residential 10

City of
Fayetteville
North Carolina
PLANNING



P20-33F



Land Use Map
Zoning Commission
09/08/2020

Case #: P20-33F

Request:
SF-6 to MR-5

Location:
Faison Avenue and David Street

Pin:
0416-69-7499
0416-69-6448

Acreage:
0.51 acres



Legend



**FUTURE LAND
USE**

MEDIUM
DENSITY

HIGHWAY
COMMERCIAL

City of
Fayetteville
Fayetteville
PLANNING

Subject Property



Adjacent Properties

